

II. REMARKS

A. Status of the Claims

Claims 1, 3-7 and 11-12, 14 and 16 are pending. Claims 1 and 11 have been amended without prejudice.

B. Claim Objection

In the Office Action claim 6 was objected to “as being of improper dependent form.” The Examiner stated that “[the previous] amendment to claim 1 removes the claimed compound ‘1-benzylamino-3-dibutylamino-propyl’ from being embraced by the genus”, noting that R₅ is no longer hydrogen.

In response, claim 1 has been amended to include hydrogen as a possible substituent for R₅.

C. Rejection under 35 U.S.C. § 102(b)

In the Office Action, claims 11, 14, and 16 were rejected under 35 U.S.C. §102(b) “as being clearly anticipated by Cross et al. (GB 1306450). The Examiner stated that “the claimed genus is anticipated when R₁ is C₁₋₁₀ alkyl, R₂ is C₁₋₁₀ alkyl, R₃ is C₁₋₁₀ alkyl, R₄ is a bond, R₅ is a 6 membered aromatic or heteroaromatic ring and R₆ is C₁₋₁₀ alkyl”.

In response, the claims have been amended without prejudice to remove C₁₋₁₀ as a possible substitute of R₆. Therefore, it is respectfully submitted that the present claims are not anticipated by Cross et al. and the Examiner is requested to withdraw the 35 U.S.C. §102(b) rejection.

D. Rejection under 35 U.S.C. 103(a)

In the Office Action, claims 1, 3-5, 7 and 12 were rejected under 35 U.S.C. 103(a) "as being unpatentable over Cross et al (GB 1306450)". The Examiner stated that the claims "differ from the prior art reference as being directed to a subgenus".

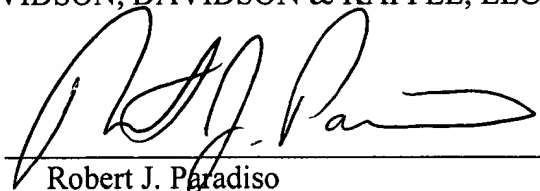
In response, claim 1 has been amended without prejudice to remove C₁₋₁₀ as a possible substitute of R₆. Therefore, it is respectfully submitted that the present claims are not a subgenus of Cross et al. and the Examiner is requested to withdraw the 35 U.S.C. §103(a) rejection.

III. CONCLUSION

An early and favorable action on the merits is earnestly solicited. The Examiner is requested to contact the undersigned at the telephone number provided below if it is determined that any further issues remain.

Respectfully Submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: _____

A handwritten signature in black ink, appearing to read "R. J. Paradiso", written over a horizontal line.

Robert J. Paradiso
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